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FINANCIAL GUARANTY INSURANCE COMPANY

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC, *et al.*,

Debtors.

Case No. 12-12020 (MG) (Ch. 11)
(Jointly Administered)

In re:

RESCAP LIQUIDATING TRUST
MORTGAGE PURCHASE LITIGATION

Adv. Proc. No. 14-07900 (MG)

This document relates to:

Residential Funding Co. v. HSBC Mortg. Corp.
(USA), Adv. Proc. No. 14-01915 (MG)

Residential Funding Co. v. UBS Real Estate
Secs., Inc., Adv. Proc. No. 14-01926 (MG)

ResCap Liquidating Trust v. Summit Fin.
Mortg. LLC, Adv. Proc. No. 14-01996 (MG)

ResCap Liquidating Trust v. Mortg. Investors
Grp., Inc., Adv. Proc. No. 14-02004 (MG)

Residential Funding Co. v. SunTrust Mortg. Inc.,
Adv. Proc. No. 13-1820 (MG)

**FINANCIAL GUARANTY INSURANCE COMPANY'S RESPONSE TO DEFENDANTS'
MOTION TO MODIFY ORDER APPOINTING MEDIATOR**

Financial Guaranty Insurance Company ("FGIC"), as a claimant and a member of the Official Committee of Unsecured Creditors (the "Committee"),¹ participated in the global mediation that is the subject of Defendants' Motion to Modify Order Appointing Mediator filed on June 3, 2015 in *In Re Rescap Liquidating Trust Mortgage Purchase Litigation*, Adv. Proc. No. 14-07900-mg (Dkt. 85) (the "Motion"), and so participated in full reliance on this Court's Order Appointing Mediator (Dkt. 2519) and the confidentiality assured thereby. Accordingly, FGIC hereby opposes the Motion and urges the Court to deny the Motion and any discovery of the mediation communications at issue in the Motion, for substantially the reasons set forth in the July 2, 2015 memorandum of law filed by the ResCap Liquidating Trust and Residential Funding Company in response to the Motion.

Dated: New York, New York
July 7, 2015

Respectfully submitted,

THE LAW OFFICES OF JAMES A. A. KIRK PLLC

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¹ This response is filed by FGIC on its own behalf and not on behalf of the Committee or any of its other members.